

Message Text

CONFIDENTIAL

PAGE 01 USUN N 05079 240353Z

70

ACTION IO-14

INFO OCT-01 ISO-00 DLOS-06 COA-02 AF-10 ARA-16 EA-11

EUR-25 NEA-10 RSC-01 EB-11 OIC-04 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 AEC-11 AGR-20 CG-00

COME-00 DOTE-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01

DRC-01 /255 W

----- 070749

R 240155Z NOV 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 1450

C O N F I D E N T I A L USUN 5079

E.O. 11652: GDS

TAGS: PFOR UN

SUBJ: LAW OF THE SEA--GROUP OF FIVE

REF: USUN 5015

1. GROUP OF FIVE MET AFTERNOON 23 NOV TO CONSIDER
TACTICS FOR MEETING OF CONTACT GROUP WHICH
AMERASINGHE CURRENTLY PLANS FOLLOWING PM SITTING
OF FIRST COMITE 26 NOV.

2. FOLLOWING UP ON COMMON VIEWS STATED AT 21 NOV
SESSION OF GROUP OF FIVE (REFTEL), US ON TENTATIVE
AND UNINSTRUCTED BASIS SKETECHEd OUT POSSIBLE KINDS OF
REVISIONS THAT COULD BE PROPOSED TO STAVROPOULOS DRAFT
CONFERENCE RULES OF PROCEDURE. (A) UNDERLYING
PURPOSE WOULD BE TO ENSURE THAT, BEFORE ANY VOTE IS TAKEN
IN A MAIN COMMITTEE ON A MATTER OF SUBSTANCE, (I) THE
GENERAL COMMITTEE WOULD MEET AND REPORT TO THE PLENARY
ON WHETHER, IN THE GC'S VIEW, TH TIME WAS RIPE FOR VOTING;
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 05079 240353Z

AND (II) PLENARY, BY A VOTE OF 2/3 OF THE STATES

PARTICIPATING IN THE CONFERENCE, WOULD AFFIRMATIVELY RECOMMEND THAT THE MC PROCEED BY VOTING. (B) THROUGHOUT THE RULES PROVISIONS REQUIRING 2/3 WOULD BE REVISED TO REQUIRE 2/3 OF STATES PARTICIPATING IN THE CONFERENCE, RATHER THAN 2/3 OF REPRESENTATIVES PRESENT AND VOTING (LATTER, WHICH IS THE TRADITIONAL RULE, EXCLUDES ABSTENTIONS). (C) ASSOCIATED WITH CONFERENCE'S ADOPTION OF APPROPRIATELY REVISED RULES OF PROCEDURE WOULD BE "RE-ADOPTION" BY THE CONFERENCE OF THE UNGA GENTLEMAN'S AGREEMENT AGAINST PREMATURE VOTING, THE TEXT OF WHICH MIGHT REQUIRE APPROPRIATE BUT MINOR ADAPTIVE DRAFTING CHANGES FROM THAT APPROVED BY THE GA AND MIGHT ALSO INDICATE THAT WHAT IS INVOLVED IS GENERAL OR LOOSE CONSENSUS RATHER THAN A RULE REQUIRING ABSOLUTE UNANIMITY (SO AS TO PREVENT 200-MILE VETO).

3. UK SEEMED ATTRACTED TO THESE SUGGESTIONS; FRANCE THOUGH THEY REPRESENTED "A MINIMUM" AND SAID CURRENT INSTRUCTIONS CONTINUE TO REQUIRE THAT, FOR THE MOMENT, FRENCH SHOULD STATE DESIRE FOR A CONFERENCE CONCILIATION BODY TO DECIDE BY CONSENSUS RIPENESS-OF-VOTING QUESTIONS. AMBASSADOR OGISO SAID THAT, APART FROM SUPPORTING A GC ROLE, JAPAN MIGHT BE OBLIGED TO BE RATHER SILENT AT 26 NOV CONTACT GROUP MTG IN VIEW HER CURRENT ENLISTING OF ASIAN GROUP SUPPORT FOR JAPANESE GC SEAT.

4. SOV REP KOLESNIK READ FROM RECENTLY RECEIVED INSTRUCTIONS, WHICH HE DESCRIBED AS "RADICAL", CALLING FOR REVISING DRAFT RULES SO THAT (A) NO MC WOULD VOTE BEFORE A GC DECISION THAT TIME IS RIPE, WHICH DECISION GC WOULD TAKE ONLY AFTER FAILURE OF ALL EFFORTS AT CONSENSUS AND ON THE AFFIRMATIVE VOTE OF REPS IN THE GC COMPRISING A MAJORITY OF EACH OF THE FIVE REGIONAL GROUPS; AND (B) CONFERENCE (PLENARY) DECISIONS ON MATTERS OF SUBSTANCE WOULD REQUIRE A 9/10 VOTE OF REPS PARTICIPATING IN THE VOTING. AS TO SOVIET (A), IT WAS OBSERVED THIS WOULD PROTECT ONLY THE USSR BECAUSE OF THE RELATION OF SOVIET VIEWS TO EE GROUP DECISION-MAKING; IT WOULD NOT PROTECT THE US, UK OR FRANCE WITHIN THE WEO GROU, NOR THE JAPANESE WITHIN THE ASIAN GROUP. UK REP JAMIESON POINTED OUT THAT

CONFIDENTIAL

PAGE 03 USUN N 05079 240353Z

WEO GRUP DOES NOT AS A RULE TAKE DECISIONS ON MATTERS OF SUBSTANCE, ONLY ON ELECTIONS; HE SAID ENCOURAGING AF, ASIAN ON LA REGIONAL GROUP VOTING ON SUBSTANTIVE ISSUES IN THE UN SYSTEM IS UNDESIRABLE. JAPAN CONCURRED. WHILE RESERVING POSITION, JAMIESON THEN PROPOSED KOLESNIK CONSIDER REVISING SOVIET (A) AS SO TO REQUIRE 2/3 OF GC.

5. AS TO USSR (B), CALLING FOR 9/10 VOTE IN PLENARY FOR CONFERENCE ADOPTION OF SUBSTANTIVE DECISIONS, OTHERS PRESENT INDICATED IT WAS NON-STARTER. SPEAKING PERSONALLY, USUN MISOFF POINTED TO RISK THAT MAKING SO EXTREME AND UNORTHODOX A PROPOSAL WOULD SOLIDIFY ANTICIPATED LDC OPPOSITION TO ANY WESTERN IMPROVEMENTS IN THE RULES; NEITHER THIS NOR EARLIER JAPANESE IDEA OF 4/5 HAS SUPPORT IN UN CHARTER OR PRACTICE. FRANCE REPORTED SOME AF'S INTEND AT THE CONTACT GROUP TO ASSERT THAT THE DRAFT RULES GO MUCH TOO FAR TOWARD CONSENSUS AND REPRESENT UNDESIRABLE DEPARTURE FROM 25-YEAR UN PRACTICE.

6. KOLESNIK ASKED WHETHER OTHER GROUP OF FIVE MEMBERS WOULD, AT 26 NOV CONTACT GROUP MTG, AGREE TO TAKE POSITION NO LESS WEAK THAN SOVIET; HE ASKED THAT OTHERS NOT NECESSARILY SUPPORT DETAILS OF 9/10 BUT GENERAL DESIGN OF SOVIET INSISTENCE ON PROCEDURAL PROTECTIONS. MOORE STRESSED IMPORTANCE OF A STRONG POSITION AND URGED SPECIAL EMPHASIS BE LAID ON APPROPRIATE GC ROLE. OTHERS AGREED THAT AT CONTACT GROUP MTG GROUP OF FIVE REPS (A) SHOULD TAKE STRONG POSITION ON VOTING ISSUES; (B) ALL SHOULD SUPPORT GIVING GC ROLE IN RECOMMENDING WHETHER TIME IS RIPE FOR VOTING BEFORE ANY MAIN COMITE(OR PLENARY, FOR THAT MATTER) VOTES ON SUBSTANTIVE ISSUES; (C) SO AS NOT TO UNDERCUT USSR 9/10 PROPOSAL, OTHERS WILL SPEAK FIRST WITH USSR TO FOLLOW; AND (D) GROUP OF FIVE WILL MEET IMMEDIATELY FOLLOWING CONTACT GROUP SESSION IN ORDER TO ASSESS SITUATION.
BENNETT

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN05079
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731115/aaaaakkq.tel
Line Count: 145
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: USUN 5015
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 10 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10-Oct-2001 by shawdg>; APPROVED <07 MAR 2002 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA--GROUP OF FIVE
TAGS: PFOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005